

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN E. FELGAR

Petitioner

vs.

CIVIL ACTION NO. 04-196E

PA BOARD OF PROBATION AND
PAROLE, ET AL.

Respondent

MOTION FOR APPOINTMENT OF COUNSEL

Pursuant to 28 U.S.C. § 1915(E)(1), Petitioner moves for an Order appointing counsel to represent him in this case. In support thereof, the Petitioner states:

- 1) Petitioner is unable to afford counsel and has been granted permission to proceed in Forma Pauperis.
- 2) Petitioner's imprisonment greatly limits his ability to litigate. The issues involved in this case are complex and require significant research and investigation. Petitioner has limited access to the Law Library and limited knowledge of the law.
- 3) A trial in this case will likely involve conflicting testimony and counsel would better enable Petitioner to present evidence and cross-examine witnesses.
- 4) Petitioner has made repeated efforts to obtain a lawyer. Attached to this Motion are letters of refusal to represent Petitioner.

WHEREFORE, Petitioner requests that the Court appoint counsel in this case.

Respectfully submitted,

Date:

9-5-05

John E. Felgar
John E. Felgar, #FB-9016
10745 Route 18
Albion, PA 16475-0002



June 6, 2005

Mr. John E. Felgar
FB-9616
G/C, 17045, Rt. 18
Albion PA 16475-0002

Dear Sir:

We are in receipt of your letter.

Please be advised that The Pennsylvania Bar Association is a private, voluntary membership association, and is neither an agency of the Supreme Court of Pennsylvania nor the Commonwealth of Pennsylvania.

Legal advice or explanations of legal opinions or laws are not functions of the Association.

Members who provide pro bono civil service do so through the county legal aid offices.

As you know, criminal defense is administered through county public defenders.

The Disciplinary Board of the Supreme Court of Pennsylvania has exclusive jurisdiction over attorneys practicing in Pennsylvania. You may reach them by writing:

Disciplinary Board of the Supreme Court of Pennsylvania
Two Lemoyne Dr., 2nd floor
Lemoyne, PA 17043-122

Sincerely,

THE PENNSYLVANIA BAR ASSOCIATION



1424 Chestnut Street, Philadelphia, PA 19102-2505
Phone: 215.981.3700, Fax: 215.981.0434
Web Address: www.clsphila.org

November 4, 2004

John E. Felger
FB-9616
Unit G/A-4-1
10745, Route 18
Albion, PA 16475-0002

Dear Mr. Felger:

I am writing in response to your October 12 letter requesting legal assistance with a writ of habeas corpus petition that you filed in August 2004. Unfortunately, Community Legal Services does not handle criminal cases. We are a non-profit law firm that represents Philadelphians in civil matters only.

I would advise you to contact the Defender's Association of Philadelphia at 1441 Sansom Street, Philadelphia, PA 19102. You should also contact the Public Defender in your county for assistance.

I am sorry that CLS cannot be of more assistance to you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jan B-Tenney', with a stylized flourish at the end.

Jan Bindas-Tenney
Paralegal

PENNSYLVANIA INSTITUTIONAL LAW PROJECT

1705 ALLEGHENY BUILDING
PITTSBURGH, PENNSYLVANIA 15219

ANGUS R. LOVE
EXECUTIVE DIRECTOR

PHONE: (412) 232-0276

April 5, 2005

Mr. John E. Felgar
FB 9616
10745, Route 18
Albion, PA 16475

Dear Mr. Felgar:

I don't handle cases related to illegal prison confinement. As a result, I won't be able to represent you. I'm sorry. I am returning the documents that accompanied your recent letter.

Sincerely,


Jere Krakoff

JK/mb
Enclosures



MidPenn Legal Services

2054 East College Avenue, State College, PA 16801
Phone 800-326-9177 814-238-4958 FAX 814-238-9504
www.midpenn.org

November 23, 2004

Mr. John E. Felgar
FB-9616, G/C-#2
10745, Route 18
Albion, PA 16475
LEGAL MAIL

Dear Mr. Felgar:

MidPenn Legal Services is in receipt of your recent letter in which you request legal assistance. We know that you need legal help. We can, unfortunately, no longer provide this help to you due to an Act of Congress.

This law, HR 3019, the Omnibus Continuing Resolution, prohibits us from assisting you. This Act of Congress applies to all funding received by MidPenn Legal Services and covers all inmates whether they are in a Federal, State or local prison.

Effective April 26, 1996, MidPenn Legal Services, as a recipient of federal funding through the Legal Services Corporation, is prohibited from providing legal assistance to people incarcerated in federal, state or local prisons. This also includes local jails. The prohibition means that MidPenn Legal Services is not allowed to represent prisoners in litigation, provide legal assistance in any form to prisoners who wish to litigate, or give prisoners advice on matters that clearly and obviously lead to litigation.

The prohibition on assisting prisoners applies to all areas of the law, whether or not the legal help requested has any connection to your confinement, e.g., conditions of confinement, internal grievances, divorce, custody, consumer, social security or any other civil or criminal matter.

These are the mandates of this new Federal law as we currently understand them. Because MidPenn is unable to represent inmates to the extent that we had been able to in the past, this work has been taken over and funding transferred to the Institutional Law Project of Pennsylvania. The Director of that project is Angus Love and his address is:

The Pennsylvania
PRISON SOCIETY
JUSTICE AND COMPASSION SINCE 1787

March 31, 2005

Mr. John E. Felgar FB-9616
SCI-Albion
10745, Route 18
Albion, PA 16475-0002

Dear Mr. Felgar:

Re: Legal Service

I am responding to your letter dated March 27, 2005 that we received on March 30, 2005. The Pennsylvania Prison Society *does not provide legal services or legal advice*. You may want to contact the Pennsylvania Bar Association about your case.

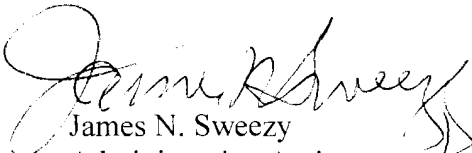
You can contact the Pennsylvania Bar Association at:

Pennsylvania Bar Association
PO Box 186
Harrisburg, PA 17108
1-800-692-7375

I am forwarding your letter to our Erie County Chapter so that you can discuss the inmate abuse that you mention..

Thank you for your interest in the Pennsylvania Prison Society.

Sincerely,


James N. Sweezy
Administrative Assistant

jns

IN THE UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF PENNSYLVANIA

AFFIDAVIT AND PROOF OF SERVICE

I certify that this document was given to prison officials; for forwarding to the Federal Court. I certify under penalty of perjury that the foregoing is true and correct. 28 U.S.C. SEC. 1746.

Office of Attorney General
Commonwealth of PA.
564 Forbes Ave.
Maner Complex, 6TH Floor
Pittsburgh, PA. 15219
(1) Copy

Clerk's Office
UNITED STATES DISTRICT COURT
P.O. BOX 1820
ERIE, PENNSYLVANIA 16507
(1) Original & (1) Copy

Executed on: _____

9-5-05
DATE

John E. Felgar
John E. Felgar, Pro Se